

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLEVELAND R. JACKSON)	CASE NO. 3:07CV0400
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
MARC HOUK, WARDEN)	
)	<u>ORDER OF APPOINTMENT</u>
Respondent.)	<u>OF COUNSEL</u>

This matter is before the Court upon the Petitioner's motion for appointment of counsel pursuant to 28 U.S.C. § 2254 filed by attorneys Davis C. Stebbins and Carol A. Wright. In addition, the Court has received a letter from the Petitioner requesting appointment of the same attorneys. Petitioner was convicted of aggravated murder and sentenced to death in the State of Ohio.

Section 848 of Title 21 of the United States Code provides, *inter alia*, that an indigent habeas petitioner in a capital case shall be entitled to the appointment of one or more attorneys. Although the Court is mindful of the Petitioner's request for the appointment of familiar counsel, it has come to this Court's attention that the requested counsel represented the Petitioner on direct appeal and in post-conviction relief proceedings. In such situation it will be difficult for these attorneys to raise certain issues regarding the appellate process or other potential claims, i.e., claims, if any, that may be essential to his case. Therefore, in lieu of the requested attorneys,

the Court grants the motion and appoints John B. Gibbons and James Jenkins to represent Petitioner.

Further, Petitioner has filed a motion to proceed inform a pauperis but has neglected to include the necessary copy of his prison account. Therefore, it hereby ordered that Petitioner file a copy of his prison account within 20 days of this Order.

IT IS SO ORDERED.

Date: 2/16/07

s/ Donald C. Nugent
DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE